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USTR, ANE BUREAU FOR MARK WARD, MCC FOR S GROFF, D NASSIRY
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SUBJECT: DONORS PRESS GSL TO FOCUS ON HUMAN RIGHTS AND
HUMANITARIAN ASSISTANCE IN DEVELOPMENT FORUM

¶1. Chiefs of Mission of the EU, Norway, Australia, Canada, Germany (on behalf of the Finnish EU Presidency), and Switzerland and the DCM met on December 12 to develop a joint response to the GSL's call to host a development forum in late January. The forum would provide bilateral and multilateral donors and the GSL an opportunity to discuss the larger context of development assistance in Sri Lanka, issues that affect the environment for development activities, and the post-tsunami recovery strategy. Attendees debated two responses to the GSL's call for the meeting: (a) delay the forum due to increasing hostilities, repeated violations of the Ceasefire Agreement, and the poor operating environment for NGOs who carry out development assistance, thereby signaling the international donor community's disapproval of current GSL policies or (b) proceed with the forum but insist that the agenda explicitly address human rights, humanitarian assistance, and the conflict in the north and east.

¶2. The German Ambassador, who convened the meeting, noted that the advance draft of the GSL's ten-year development plan, on which the forum's discussions would be based, was severely flawed by its scant treatment of the situation in the north and east. A draft of the second document, a two-year report on tsunami reconstruction, that would be discussed at the forum has not yet been released.

¶3. The EU, Germany, and Australia voiced support for delaying the forum, while the U.S. and Canada advocated moving forward with the event while pushing for changes in the agenda and possibly the draft documents themselves. Norway and Switzerland favored variations on these two approaches. The DCM stressed that the proposed meeting would provide an opportunity to engage the GSL on the fundamental issues of human rights, humanitarian assistance, and the need for a negotiated settlement to the conflict as they relate to development assistance. It was decided to move ahead with the event in late January and press for changes in the agenda. The German Embassy will send a note verbale to President Rajapaksa welcoming the forum, but requesting that human rights, humanitarian assistance, and the conflict in the north and east figure prominently in the proceedings. The text of the note verbale, currently being circulated in draft, follows in para 6.

¶4. In a separate meeting the same day, Treasury Secretary

P.B. Jayasundara briefed representatives of the World Bank, Asian Development Bank, the Japanese Embassy, the Canadian High Commission/International Development Agency (CIDA) and USAID on the proposed development forum. He stressed that the high degree of importance the GSL attaches to the event (several ministers will attend and President Rajapaksa may participate in one or more sessions) and called for senior-level representation by the multilateral and bilateral donors. (The Ambassador and USAID director plan to attend.) He announced that the event is tentatively scheduled to be held in Galle on January 29-30. Jayasundara, in response to pointed queries from donor representatives, committed to giving human rights, humanitarian assistance, and the conflict in the north and east a prominent place in the agenda. (Note: This is a positive departure from the GSL position in July when they would not entertain agenda items in these key areas. Jayasundara also stated that he and his staff would engage local government, non-governmental organizations, donors and trade unions in a consultative process to get their views on the GSL 10-year plan before the development forum in January. End Note)

15. We will continue, in coordination with other donors, to press the GSL to ensure that these issues, which are essential to a coherent development framework, are fully incorporated in the agenda for the upcoming forum.

16. Text of note verbale to President Rajapaksa:

The Embassy of the Federal Republic of Germany presents its compliments to the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka and has the honour to communicate the following:

The Embassy of the Federal Republic of Germany requests the

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Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka to submit to the President and Ministry of Finance the conclusions of a discussion that was held by the Heads of Mission of Australia, Canada, the European Commission, Norway, Switzerland, the United States and Germany representing the European Union Member States.

The above mentioned countries referred to the proposal of your government to hold a Development Forum in January 2007. The countries see this as an opportunity for a constructive and vibrant debate with the government on the development challenges your country faces and on how development partners are assisting. We have received one core document on the Mahinda Chintana Vision 2006-16 and look forward to receiving the Tsunami Two Years After report shortly.

The countries particularly welcomed the willingness expressed by the government to propose within the agenda of the Development Forum a substantial section of the meeting to discuss three clear and pivotal agenda points that shape development prospects and cooperation - namely, Humanitarian Assistance issues including the need for access, Human Rights issues and the prospects for peace. We wish to underline the importance of inclusion of these points which will ensure that our meeting on your development strategy will be productive and focused.

The Embassy of the Federal Republic of Germany avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka the assurance of its highest consideration.

BLAKE